IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8289 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

R P MEHTA MANAGER

Versus

HARSHADKUMAR J VORA

Appearance:

1. Special Civil Application No. 8289 of 1992
Mr. Sudhir Mehta, AGP for Petitioner.
MRS DT SHAH for Respondent(absent)

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 06/05/2002

ORAL JUDGEMENT

1. The petitioner has challenged the impugned award made by the Labour Court, Surendranagar on 21-2-1992 ordering reinstatement of the respondent on the ground that his services were terminated in violation of the

provisions of Section 25F of the Industrial Dispuites Act.

2. The respondent was initially appointed for six months from October, 1986 to March, 1987, but according to him, he continued to work on a temporary basis till his employment was terminated on 2-9-1987. According to the petitioner, however, he was employed only till 31st March 1987, and thereafter, he did not work.

3. It appears from the record that during the proceedings before the Labour Court, the petitioner was called upon to produce the muster roll and other documents which were mentioned in the application (Exh.25) dated 21-9-1990 for production of documents. A copy of that application is annexed to the affidavit-in-reply filed by the respondent in which he has stated that he had marked his presence in the muster roll continuously from the date of his appointmentn till 2nd November, 1987. The Labour Court taking note of the fact that despite the positive stand of the respondent that he had signed the muster roll and his having called upon the petitioner to produce the muster roll, it was not produced, relied upon his oral version that he had continued to work even after the initial period of his appointment was over, finding that the respondent had worked till 2nd September, 1987. This finding of fact which the Labour Court had reached on the basis of the evidence on record, calls for no interference by this Court.

4. The Labour Court has in paragraph 13 of the award found that the respondent had continuously worked for eleven months and his services were terminated without giving any notice in violation of Section 25F of the said Act. The Labour Court has not committed any error in exercise of its jurisdiction in making the award which is based on the facts found by it on the basis of the relevant material on record. The petition is, therefore, rejected. Rule is discharged.

(R.K.Abichandani,J.)

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